

224



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/621,800	07/18/2003	Carol Y. Devine	COS97092C1	1465
25537	7590	09/23/2004	EXAMINER	
MCI, INC TECHNOLOGY LAW DEPARTMENT 1133 19TH STREET NW, 10TH FLOOR WASHINGTON, DC 20036			REVAK, CHRISTOPHER A	
			ART UNIT	PAPER NUMBER
			2131	

DATE MAILED: 09/23/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/621,800

Applicant(s)

DEVINE ET AL.

Examiner

Christopher A. Revak

Art Unit

2131

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 23 July 2004.  
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-16 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 1-16 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.  
10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892) \*  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date see attached \*  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.  
5) ☐ Notice of Informal Patent Application (PTO-152)  
6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Information Disclosure Statement***

1. The information disclosure statements (IDS) submitted on July 23, 2004, August 1, 2003, and July 18, 2003 are in compliance with the provisions of 37 CFR 1.97. The examiner has considered the information disclosure statements.

### ***Specification***

2. Applicant is reminded of the following requirement:

In a continuation or divisional application (other than a continued prosecution application filed under 37 CFR 1.53(d)), the first sentence of the specification or application data sheet (37 CFR 1.76) should include a reference to the prior application(s) from which benefit of priority is claimed. See 37 CFR 1.78. The following format is suggested: "This is a continuation of Application No. 09/159,514, filed September 24, 1998, now U.S. Patent No. 6,598,167."

### ***Claim Objections***

3. Claims 1, 2, and 5 are objected to because of the following informalities:

In claim 1, on line 7, it is recited of a "secure server" wherein other instances in the claim, it is referred to as "secure web server". In claim 2, on line 10, it is also of a "secure server" wherein other instances in the claim, it is referred to as "secure web

Art Unit: 2131

server". The examiner is interpreting the secure server to be that of the secure web server.

In claim 2, line 4, it is recited of "said secure system" which is a lack of antecedent basis.

In claim 6, lines 4-5, it is recited of "said session management cookie" that is a lack of antecedent basis.

Appropriate correction is required.

### ***Double Patenting***

4. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

5. Claims 1-16 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-16 of U.S. Patent No. 6,598,167. Although the conflicting claims are not identical, they are not patentably distinct from each other because claims 1-16 of the instant application are envisioned by patent claims 1-16 in that claims 1-16 of the patent contain all the limitations of

claims 1-16 of the instant application. Claims 1-16 of the instant application therefore is not patentably distinct from the earlier patent claims, and as such, is unpatentable for obvious-type double patenting.

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1, 7, and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Crichton et al, U.S. Patent 6,104,716 in view of Shin et al, U.S. Patent 5,987,134.

As per claim 1, Crichton et al discloses of a security system for a communications network management having an integrated customer interface. A secure web server manages secure sessions on the Internet and supports secure socket layer for encrypted communications. The secure web server provides session management including customer identification, validation, and session management to link the session with the customer. A dispatch server communicates with the secure web server through a first firewall and communicates with a plurality of proxy services and system resources using an internal network. A plurality of system resources provide communication network management capabilities for the customer and the system resources are responsive to a request to generate client data relating to the communications network (col. 2, lines 23-28; col. 3, lines 56-67; col. 6, lines 30-33; col.

Art Unit: 2131

7, lines 1-30; and as shown in Figure 4). The teachings of Crichton et al are silent in disclosing use the use of verifying customer entitlements. It is disclosed by Shin et al of verifying user access rights (customer entitlements) prior to permitting access to resources (col. 5, lines 29-33). It would have been obvious to a person of ordinary skill in the art at the time of the invention to have been motivated to protect resources by verifying user entitlements making the user provide their rights to use resources. Shin et al recites motivation for the use of verifying user access rights by disclosing that unauthorized users can gain access to protected resources and there exists a need to protect the resources by verifying the legitimacy of the user's request (col. 2, lines 6-13). By verifying the user's entitlements, it is obvious that the teachings of Crichton et al would have allowed its resources to only be granted to authorized users based on their entitlements.

As per claim 7 and 8, Crichton et al teaches of the secure web server communicating with the dispatch server over an encrypted socket connection that includes encryption between the secure web server and the dispatch server (col. 6, lines 30-33 and as shown in Figure 4).

8. Claims 2,5, and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Crichton et al, U.S. Patent 6,104,716 in view of Shin et al, U.S. Patent 5,987,134 in further view of Shambroom, U.S. Patent 5,923,756.

As per claim 2, Crichton et al discloses of a plurality of clients (comprising web browsers) that enable interactive secure communication with secure system and provide an integrated interface for the customer. The clients (comprising web browsers)

Art Unit: 2131

support client authentication and secure sockets layer communication protocol that includes mutual authentication (col. 2, lines 23-28; col. 3, lines 56-67; col. 6, lines 30-33; col. 7, lines 1-30; and as shown in Figure 4). The combined teachings of Crichton et al and Shin et al do not disclose of using digital certificates as means of authentication. It is disclosed by Shambroom of the use of digital certificates for authentication in SSL from one party to another (col. 7, lines 25-51 and col. 10, lines 25-38). It would have been obvious to a person of ordinary skill in the art at the time of the invention to have been motivated to use certificates as means of authenticating two parties to one another. Shambroom recites motivation for the use of certificates in SSL communications by disclosing that the certificate holds a public key that is used to derive a session key that is later used to encrypt future transactions (col. 7, lines 34-58). It is obvious that the combined teachings of Crichton et al and Shin et al would have further been protected by using a certificate to carry and protect key information that can be used for establishing SSL connections.

As per claim 5, Crichton et al discloses that the client (comprising a web browser) encrypts client identification, authentication, and session management information by use of SSL during each transmission (col. 6, lines 30-33 and col. 7, lines 1-30).

As per claim 9, it is taught by Crichton et al that encryption algorithms are used for transmission of all customer data between the secure web server and the client (comprising a browser) and for transmission between the secure web server and dispatch server (col. 6, lines 16-46).

Art Unit: 2131

9. Claims 3,4, and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Crichton et al, U.S. Patent 6,104,716 in view of Shin et al, U.S. Patent 5,987,134 in further view Shi et al, U.S. Patent 5,875,296.

As per claim 3, Crichton et al discloses of client identification to link a session with a customer through a plurality of discrete client communications the session to verify the customer to the dispatch server at each transmission with the dispatch server (col. 2, lines 23-28; col. 3, lines 56-67; col. 6, lines 30-33; col. 7, lines 1-30; and as shown in Figure 4). The combination of the teachings of Crichton et al and Shin et al are silent in disclosing of the use of cookie generation. It is disclosed by Shi et al of the generation of cookies that are to be used by a client (col. 3, lines 22-46). It would have been obvious to a person of ordinary skill in the art at the time of the invention to have recognized the need to maintain client identification information. Shi et al recites motivation for the use of cookies by disclosing that the client doesn't need to repeatedly transfer identification information over the network (col. 3, lines 42-46). It is obvious that the combined teachings of Crichton et al and Shin et al would have found the disclosure of Shi et al beneficial as a means of saving valuable network bandwidth by not repeatedly transferring the same information over a network by instead using a cookie to avoid those transmissions.

As per claim 4, Shi et al discloses that the cookie is generated by a program on a separate server (col. 3, lines 22-46). Shin et al is relied upon for use of verifying user access rights (customer entitlements) prior to permitting access to resources (col. 5, lines 29-33).



As per claim 6, Crichton discloses of simultaneous session management for a plurality of system resource platforms (col. 7, lines 1-30). Shi et al is relied upon for the use of cookies that maintain client identification (col. 3, lines 22-46).

***Allowable Subject Matter***

10. Claims 11-16 are allowed over the prior art upon submission and entry of a terminal disclaimer.

11. The following is a statement of reasons for the indication of allowable subject matter:

It was not found to be taught in the prior art of an encryption layer to provide encryption of each client session with a public key provided by the communication network. Each session includes session authentication with a client cookie generated by the system wherein the session cookie is encrypted with the public key during transmission or each transaction request to a secure server.

12. Claim 10 is objected to as being dependent upon a rejected base claim, but would be allowable if: 1.) rewritten in independent form including all of the limitations of the base claim and any intervening claims and 2.) upon entry of a terminal disclaimer.

**Conclusion**

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Please see attached PTO-892

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher A. Revak whose telephone number is 571-272-3794. The examiner can normally be reached on Monday-Friday, 6:30am-4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh can be reached on 571-272-3795. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

CR  
*CR*  
September 19, 2004

Christopher Revak  
AU 2131

*CR*  
9/19/04